

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE

01-R -1426

A RESOLUTION AUTHORIZING SETTLEMENT OF ALL CLAIMS OF GEORGE L. MOORE IN THE CASE OF GEORGE L. MOORE V. THE CITY OF ATLANTA, POLICE OFFICER M. O'DONNELL A/K/A OFFICER N.K. O'DONNELL, AND OTHER PRESENTLY UNKNOWN INDIVIDUALS, CASE NUMBER 1:00-CV-2369-JEC, IN THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION; TO CAUSE PAYMENT TO BE MADE IN THE AMOUNT OF FORTY-THREE THOUSAND THREE HUNDRED NINETY-SIX DOLLARS AND FORTY-THREE CENTS (\$43,396.43); AND FOR OTHER PURPOSES.

WHEREAS, on September 14, 2000, George L. Moore initiated the case of George L. Moore v. City of Atlanta, et al., pursuant to 42 U.S.C. §§ 1981, 1983, and 1988; and

WHEREAS, Mr. Moore's lawsuit stems from an arrest which occurred on August 14, 1999, involving Officer O'Donnell, who was on duty as an Atlanta police officer; and

WHEREAS, at approximately 3:15 a.m. on August 14, 1999, Officer O'Donnell was summoned to the Atlanta Hilton & Towers Hotel in response to a call for police assistance regarding a disturbance between Mr. Moore and his daughter, who were guests at the hotel; and

WHEREAS, when Officer O'Donnell arrived at the hotel and began to investigate the incident, he alleges Mr. Moore was belligerent, refused to speak with him, and attempted to walk away from him; and

WHEREAS, Mr. Moore, who was 66 years of age at the time, alleges that Officer O'Donnell's actions threatened him, and that Officer O'Donnell ordered him to get down on the floor, and, when Mr. Moore had some difficulty getting down on his knees,



Officer O'Donnell allegedly pushed Mr. Moore to the floor and placed his knee on Mr. Moore's back; and

WHEREAS, Officer O'Donnell alleges that he and Mr. Moore became involved in a physical altercation, and it is undisputed that Officer O'Donnell restrained Mr. Moore by application of handcuffs, placed him under arrest for Disorderly Conduct, and escorted Mr. Moore from the hotel into the police patrol car; and

WHEREAS, Mr. Moore alleges that Officer O'Donnell treated him with excessive force in handcuffing and removing him from the hotel, and further alleges that Officer O'Donnell forced him to sit tightly handcuffed in the patrol car for an extended period of time, resulting in injury; and

WHEREAS, Officer O'Donnell denies he used any force in excess of that which was reasonable and necessary to restrain Mr. Moore; and

WHEREAS, after arrest, Mr. Moore was transported to the Atlanta City Detention Center, where it was noted by Detention Center medical personnel that he had high blood pressure, and, after receiving medication for this condition, Mr. Moore alleges he suffered an adverse drug reaction, and was transported to Grady Memorial Hospital for further medical evaluation and treatment; and

WHEREAS, Mr. Moore was detained at the Atlanta City Detention Center for two (2) days, until his first court appearance, where the charge against him was dismissed; and

WHEREAS, Mr. Moore alleges violation of his Fourth and Fourteenth Amendment rights, and contends that he suffered physical injury, including bruising, pain, and permanent impairment to his wrists, as a result of Officer O'Donnell's



placement of tight handcuffs on him, for which Mr. Moore has incurred approximately \$26,258.00 in medical expenses; and

WHEREAS, Mr. Moore has incurred approximately \$21,000.00 in attorneys' fees; and

WHEREAS, the Court awarded sanctions against Defendants as a result of a motion to compel, for which Mr. Moore and his counsel requested \$3,396.43; and

WHEREAS, counsel for the parties have participated in several mediation sessions; and

WHEREAS, after meeting on their own and with a mediator in an effort to reach a compromise in this matter, counsel for the parties agreed to settle all claims in this matter for \$43,396.43, including attorneys' fees and sanctions, contingent upon the approval of the Atlanta City Council and the Mayor; and

WHEREAS, by this settlement, Defendants admit no liability; and

WHEREAS, the offer of settlement acceptable to Mr. Moore is, in the opinion of the City Attorney, in the City's best interest and appropriate to settle all claims against Defendants arising out of the case of George L. Moore v. City of Atlanta.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the City Attorney be and is hereby authorized to conclude settlement of all claims against the City of Atlanta and Officer M.K. O'Donnell arising out of the lawsuit filed by Mr. Moore in the United States District Court, as set forth in Civil Action Number: 1:00-CV-2369-JEC.



THE CITY COUNCIL FURTHER RESOLVES that the Chief Financial Officer is authorized to pay the total of FORTY-THREE THOUSAND THREE HUNDRED NINETY-SIX DOLLARS AND FORTY-THREE CENTS (\$43,396.43) at the direction of the City Attorney from the account of 1A01 529017 T31001. Payment shall be in the form of one (1) check in the amount \$43,396.43, payable to "George L. Moore." Such payment will be in full consideration of the dismissal of all claims against all defendants.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council

RETURNED WITHOUT SIGNATURE OF THE MAYOR

APPROVED as per City Charter Section 2-403

SEP 04, 2001

SEP 13, 2001

RCS# 3094
9/04/01
3:53 PM

Atlanta City Council

Regular Session

01-R-1426 Settlement of all claims of George L.
Moore v. City of Atlanta for \$43,396,43
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

01-R-1426

(Do Not Write Above This Line)

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING SETTLEMENT
OF ALL CLAIMS OF GEORGE L. MOORE IN THE
CASE OF GEORGE L. MOORE V. THE CITY OF
ATLANTA, POLICE OFFICER M. O'DONNELL
A/K/A OFFICER N.K. O'DONNELL, AND OTHER
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TO CAUSE PAYMENT TO BE MADE IN THE
AMOUNT OF FORTY-THREE THOUSAND
THREE HUNDRED NINETY-SIX DOLLARS AND
FORTY-THREE CENTS (\$43,396.43); AND FOR
OTHER PURPOSES.

APPROVED BY:

Rosalind Rubens Newell

ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADOPTED BY
SEP 0 4 2001

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Guyana
Robt. H. Stephens

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED

SEP 4 2001

ATLANTA CITY COUNCIL PRESIDENT

Randall P. Pitts

CERTIFIED

SEP 0 4 2001

DEPUTY MUNICIPAL CLERK

Spiller

MAYOR'S ACTION

APPROVED

SEP 13 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW